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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 19 August 2009 from the Permanent Mission of Bhutan to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Kingdom of Bhutan to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004), and has the honour to submit herewith a report prepared by the Royal Government of Bhutan on the implementation of Security Council resolution 1540 (2004) pursuant to paragraph 4 of the resolution (see annex).

The Permanent Mission of the Kingdom of Bhutan to the United Nations regrets that the report could not be submitted earlier.

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Annex to the note verbale dated 19 August 2009 from the Permanent Mission of Bhutan to the United Nations addressed to the Chairman of the Committee

Report pursuant to Security Council resolution 1540 (2004)

Bhutan supports Security Council resolution 1540 (2004) and is fully committed to implementing the resolution. Bhutan does not possess, manufacture or trade in nuclear, chemical or biological weapons and is strongly opposed to providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

Bhutan is committed to its efforts in combating terrorism and disarmament as they pose a great threat to national and international peace and security. In keeping with such efforts, it has signed and ratified major international instruments on disarmament and terrorism such as the Non-Proliferation Treaty, the Chemical Weapons Convention, the Biological Weapons Convention, the IAEA Agreement for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons, the Anti-personnel Landmines Convention, the International Convention for the Suppression of the Financing of Terrorism, the Convention on Offences and Certain Other Acts Committed on Board Aircraft, the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, the Convention for the Suppression of Unlawful Seizure of Aircraft and the International Convention against the Taking of Hostages. At the regional level, Bhutan works closely with its fellow SAARC member countries and is a party to the SAARC Regional Convention on Suppression of Terrorism and the Additional Protocol to the Convention.

By virtue of article 10 (25) of the Constitution, read with section 29 of the Civil and Criminal Procedure Code, all international conventions, covenants, treaties, protocols and agreements duly acceded to by the Government and ratified by the Parliament are deemed to be the law of the Kingdom of Bhutan unless such instruments are inconsistent with the Constitution. Therefore, all the aforementioned instruments shall be applied by the Courts as national laws.

There is no specific legislation on weapons of mass destruction and terrorism. However, existing national legislation adequately covers areas related to these aspects. The Constitution of Bhutan, the Penal Code of Bhutan, the Sales Tax, Customs and Excise Act, the Firearms and Ammunitions Act, the Enabling Act for the SAARC Regional Convention on Suppression of Terrorism are some of the primary laws that address issues under resolution 1540 (2004).

The Sales Tax, Customs and Excise Act restricts the import of arms, ammunition and other lethal weapons into the country and the Penal Code of Bhutan contains elaborate provisions dealing with offences related to firearms, explosives and other lethal weapons. It is a severe criminal offence to manufacture, possess, sell, purchase or import such weapons. Stringent penalties up to life imprisonment are imposed to anyone found dealing with such weapons of mass destruction. The Firearms and Ammunitions Act regulates the possession and licensing of firearms and ammunition within Bhutan.

Enforcement agencies such as the Customs, police and immigration authorities ensure appropriate border control and law enforcement measures to address border security risks posed by these weapons and strict checking and surveillance are carried out at all points of entry to ensure security from weapons of mass destruction and individual persons or organizations that are suspected to be involved in illegal activities or dealing in such weapons or terrorist activities.

Elimination of the proliferation of nuclear, chemical and biological weapons and their means of delivery is the highest priority in Bhutan and thus the Royal Government of Bhutan would like to affirm its fullest support and cooperation in undertaking all obligations under the resolution and any other action that may be required.